

# KING & SPALDING

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November 22, 2019

**VIA ECF FILING AND ELECTRONIC MAIL**

The Honorable Lorna G. Schofield  
United States District Judge  
United States District Court for the Southern District of New York  
500 Pearl Street  
New York, NY 10007  
Schofield\_NYSDChambers@nysd.uscourts.gov

RE: *Burbridge v. ADTRAN, INC., et al.*, Case No. 1:19-cv-09619-LGS (S.D.N.Y.)

Dear Judge Schofield:

This firm represents ADTRAN, Inc. (“ADTRAN”) and Thomas R. Stanton, Michael Foliano, and Roger D. Shannon (the “Individual Defendants,” and together with ADTRAN, “Defendants”) in the above-referenced matter. We write to respectfully request that Your Honor grant ADTRAN an extension of time to answer, move, or otherwise respond to the Complaint for Violations of the Federal Securities Laws (Dkt. No. 1) (the “Complaint”) to January 21, 2020 to harmonize its response deadline with that of the Individual Defendants.

ADTRAN was served with the Complaint on November 5, 2019, through its registered agent, CT Corporation, making its response currently due November 26, 2019. (Dkt. No. 6.) The Individual Defendants each waived service on November 22, 2019 thereby making their responses due on January 21, 2020. ADTRAN requests this extension in order to establish a uniform response date for all Defendants.

This is the first request made to the Court for an extension of time to respond. Plaintiff consents to the extension.

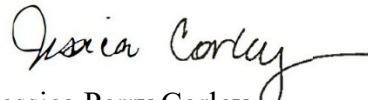
The parties are also aware that Your Honor has set an Initial Pretrial Conference for December 12, 2019 at 10:30 a.m. (Dkt. No. 5.) The parties, however, respectfully submit that the current date for the Initial Pretrial Conference is premature given the procedural requirements of

the Private Securities Litigation Reform Act of 1995 (“PSLRA”), 15 U.S.C. § 78u-4, *et seq.* Pursuant to the PSLRA, securities class action plaintiffs must issue a press release notifying other potential class members of the existence of their lawsuit and the 60-day period in which the class members may apply for a court appointment as lead plaintiff. 15 U.S.C. § 78u-4(a)(3). The plaintiff in this matter issued a press release on October 17, 2019, and therefore, by statute, the lead plaintiff motions are due on December 16, 2019. Under the PSLRA, the court-appointed lead plaintiff and lead plaintiff’s counsel will be responsible for managing this action on behalf of the proposed class.

Given the current uncertainty regarding the identity of the lead plaintiff and the lead plaintiff’s counsel, the parties believe it will be more informative and productive for the Court and the parties if the Initial Pretrial Conference occurs after the lead plaintiff has been selected. A conference would also be premature at this time because the parties anticipate that the court-appointed lead plaintiff will file an amended complaint, which Defendants may move to dismiss, and, if such a motion is filed, all discovery will be stayed during the pendency of any motion to dismiss pursuant to the PSLRA. 15 U.S.C. § 78u-4(b)(3)(B).

The parties therefore respectfully request that the Court (a) adjourn the Initial Pretrial Conference set for December 12, 2019, and (b) reschedule the conference for a date that is convenient for the Court, after the appointment of the lead plaintiff, the filing of a consolidated amended complaint, and adjudication of Defendants’ anticipated motion to dismiss the consolidated complaint.

Sincerely,



Jessica Perry Corley  
(NY #892914)

*Counsel for Defendants ADTRAN, Inc.,  
Thomas R. Stanton, Michael Foliano, and  
Roger D. Shannon*

cc:

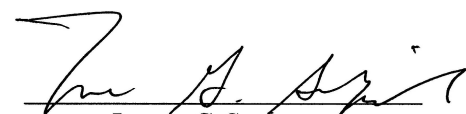
Lesley F. Portnoy (by ECF)  
Lionel Z. Glancy (by electronic mail)  
Roberty V. Prongay (by electronic mail)  
Charles H. Linehan (by electronic mail)  
Pavithra Rajesh (by electronic mail)  
Ira. M. Press (by electronic mail)  
Thomas W. Elrod (by electronic mail)

APPLICATION GRANTED. Defendant ADTRAN, Inc. shall answer or otherwise respond to the Complaint by January 21, 2020.

The initial conference set for December 12, 2019, at 10:30 A.M. is adjourned to January 9, 2020, at 10:30 A.M. At that time the Court will appoint a lead Plaintiff, set a schedule for the filing of a consolidated amended complaint and for any pre-motion letter and motion to dismiss.

Dated: November 25, 2019

New York, New York



LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE